

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 05-11443-GAO

ETHAN THOMAS  
Plaintiff,

VS.

NEW ENGLAND FAST FERRY OF  
MASSACHUSETTS, LLC, NEW  
ENGLAND FAST FERRY COMPANY, LLC,  
and INTERLAKE LEASING IV, INC.,  
Defendants.

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S RULE 26(A)(3)**  
**DISCLOSURE**

Now come the defendants, New England Fast Ferry of Massachusetts, LLC., New England Fast Ferry Company, LLC., and Interlake Leasing IV, Inc., in the above-entitled action, by and through their undersigned counsel, Clinton & Muzyka, P.C., and submit their Objections to Plaintiff's Pre-trial Disclosure pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure.

**B. Designation of witnesses whose testimony will be presented by deposition**

Michael Glasfeld - deposition excerpts

10/8 - 10/11 - Objection -  
Irrelevant & unfairly prejudicial; Speculative and  
Ambiguous; Hearsay.

15/12 15/16 - Objection -  
Irrelevant & unfairly prejudicial; Speculative and  
Ambiguous; Hearsay.

15/21 - 16/14 - Objection -  
Irrelevant & unfairly prejudicial; Speculative and  
Ambiguous; Hearsay.

18/4 - 18/21 - Objection -  
Irrelevant & unfairly prejudicial; Speculative and  
Ambiguous.

**C. Identification of Exhibits**

Exhibits that the plaintiff expects to offer

1. Photographs of winch  
- Objection -  
Irrelevant & unfairly prejudicial; lack of  
foundation.

The defendant proposes that the parties  
should exchange photographic exhibits at the  
forthcoming Pre-Trial Conference to eliminate  
any potential for surprise at trial.

2. Photographs of transfer bridge  
- Objection -  
Irrelevant & unfairly prejudicial; lack of  
foundation.

The defendant proposes that the parties  
should exchange photographic exhibits at the  
forthcoming Pre-Trial Conference to eliminate  
any potential for surprise at trial.

3. Photographs of Plaintiff  
- Objection -  
Irrelevant & unfairly prejudicial; lack of  
foundation.

The defendant proposes that the parties  
should exchange photographic exhibits at the  
forthcoming Pre-Trial Conference to eliminate  
any potential for surprise at trial.

5. Audiotape of Plaintiff  
- Objection -

- 3 -

Irrelevant & unfairly prejudicial; lack of foundation; Hearsay.

- 4 -

7. Plaintiff's earnings records from the Steamship Authority  
- Objection -  
Irrelevant & unfairly prejudicial; lack of foundation; Redundant information.
13. Medical bills from Beth MacDonald, M.D.  
- Objection -  
Hearsay; lack of foundation.
14. Medical bills from Martha's Vineyard Hospital  
- Objection -  
Hearsay; lack of foundation.
15. Medical bills from Beth Israel Deaconess Medical Center  
- Objection -  
Hearsay; lack of foundation.
16. Medical bills from Shields MRI - Dartmouth  
- Objection -  
Hearsay; lack of foundation.
17. Medical bills from Barbara Stelle, M.D.  
- Objection -  
Hearsay; lack of foundation.

By their attorneys,  
**CLINTON & MUZYKA, P.C.**

"/s/ Thomas J. Muzyka"  
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Dated: June 20, 2007